

REMARKS

In response to the Office Action of August 8, 2008, claims 1, 11, 19, 29 41 and 44 have been amended. These claims have been amended to shorten the preambles. No new matter has been added.

Claim Rejections - 35 USC §101

At section 6, claims 1, 3-10, 41, and 43¹ are rejected under 35 USC §101 because it is asserted the claimed invention is directed to a non-statutory subject matter. Applicant respectfully disagrees.

A claimed process is patent-eligible under §101 if: (1) it is tied to a particular machine *or* apparatus, or (2) it transforms a particular article into a different state or thing. *In re Bilski*, 545 F. 3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008) (*en banc*). Amended claim 1 recites a method comprising verifying the integrity of information contained in a package for distribution by an electronic device, wherein said package further contains at least one media object and said information. Thus, the method of claim 1 is tied to a particular apparatus; namely, an electronic device, that distributes a package containing at least one media object. For the method to be carried out, it requires this particular type of electronic device. Therefore, it is respectfully submitted that independent claim 1 is directed to a statutory subject matter and is in allowable form.

Because independent claims 41 and 43 comprise a similar electronic device, it is further respectfully submitted that they also recite statutory subject matter.

Dependent claims 3-10 also recite statutory subject matter in view of their dependencies on independent claim 1.

Claim Rejections - 35 USC §102

At section 8, claims 1, 3-11, 13-19, 21-29, 31-41, 43, and 44 are rejected under

¹The recitation of "...3-11-13..." is believed to be in error since claim 12 was previously canceled. Applicant's attorney would like to thank Examiner Worjloh for her telephone conversation with the undersigned attorney on February 2, 2009 at which time she clarified that the above-mentioned claims are the only claims rejected under 35 USC §101.

35 USC §102(b) as anticipated by US patent 6,226,618, Downs, et al (hereinafter Downs). With respect to claim 1, it is asserted that Downs discloses verifying the integrity of the information indicative of the conditions in which distribution of the package is allowed and if the verification of the integrity of the package fails, prohibiting distribution of the package and if verifying does not fail, examining said information indicative of the conditions in which distribution of the package is allowed to determine whether distribution of the package is allowed and if said examining determines that distribution of the package is allowed, distributing said package. Specific reference is made to steps 143-148 of the table that spans columns 18 and 19, column 27, lines 10-21, column 59 and column 60 of Downs.

Downs is directed to an electronic content delivery system for securely providing data to a user's system. The data is encrypted so as to only be decryptable by a data decrypting key, the data decrypting key being encrypted using a first public key and the encrypted data being accessible to the user's system. The method of Downs comprises transferring the encrypted data decrypting key to a clearinghouse that possesses a first private key, which corresponds to the first public key; decrypting the data decrypting key using the first private key; re-encrypting the data decrypting key using a second public key; transferring the re-encrypted data decrypting key to the user's system, the user's system possessing a second private key which corresponds to the second public key; and decrypting the re-encrypted data decrypting key using the second private key (Downs, Abstract).

It is asserted by the Office that the Clearinghouse in Downs verifies the usage condition that is stored in a secured container. Applicant respectfully disagrees. As stated in Applicant's previous response, it is clear from step 143 in column 19 of Downs, that Downs verifies that the order is not tampered with, stating "[t]he Clearinghouse(s) 105 receives the Order SC, opens it and verifies that none of the data has been tampered with." Step 143 also defines that the Clearinghouse(s) 105 validates the Usage Conditions purchased by the End-User(s) and the Usage Conditions must comply with those specified by the Content Provider(s) 101.

As stated in step 134 in columns 17 and 18 of Downs, the Usage Conditions are stored into an Offer SC, separately from the content SC. The Clearinghouse checks the integrity of the Order SC and validates the Usage Conditions packed into the Offer SC. Downs clearly states that the integrity checks performed by the Clearinghouse are not performed on the Content SC but to the Offer SC (see Downs, column 10, lines 49-57). Specifically, Downs states:

“When the Clearinghouse(s) 105 receives a request for a decryption key for the Content 113 from an intermediate or End-User(s), the Clearinghouse(s) 105 validates the integrity and authenticity of the information in the request; verifies that the request was authorized by an Electronic Digital Content Store(s) or Content Provider(s) 101; and verifies that the requested usage complies with the content Usage Conditions as defined by the Content Provider(s) 101.” (Downs, column 10, lines 53-60).

It is clear that no verification is made in Downs to determine the integrity of the information of the package which contains the content i.e., the Content SC. Further, the Usage Conditions relate, as the name implies, to the conditions in which the usage of the content is allowed.

In contrast, Claim 1 specifically recites verifying the integrity of the information indicative of the conditions in which distribution of the package is allowed and if the verification of the integrity of the package fails, prohibiting the distribution of the package.

Therefore, because Downs does not teach verifying the integrity of the information included in the same package containing the media object (i.e. content); or that said information is indicative of the conditions in which the distribution of the package is allowed, it is respectfully submitted that claim 1 is not anticipated by Downs and is in allowable form.

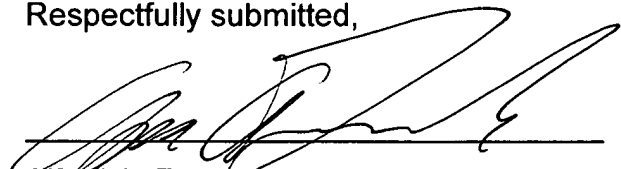
Independent system claim 11, independent electronic device claim 19, independent mobile communication device 29, independent computer readable medium claim 31, independent package claim 33, independent business method for distributing a package

claim 41, and independent electronic device claim 44 all recite features corresponding to those discussed above with respect to method claim 1 and, for similar reasons, each of these above-recited independent claims is believed to be not anticipated by Downs.

Since each of the independent claims of the present application is believed to be allowable, it is respectfully submitted that dependent claims 3-10, 13-18, 21-28, 32, 34-40, and 43 are also not anticipated by Downs at least in view of such dependency.

It is therefore respectfully submitted that the present application as amended sets forth claims which are definite and which are allowable in view of the cited art. Early notice of allowance is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred A. Fressola', is written over a horizontal line.

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